

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

THE BOEING COMPANY,

Defendant.

THE BOEING COMPANY,

Counterclaimant,

v.

UNITED STATES OF AMERICA,

Counterclaim-Defendant.

CASE NO. C22-0485JLR

**JOINT STIPULATED MOTION AND  
~~Proposed~~ ORDER TO EXTEND  
DISCOVERY DEADLINES**

**Noting Date: February 26, 2024**

The United States and Boeing jointly move the Court for a brief extension of the case deadlines established in the ORDER re Parties' Joint Proposed Scheduling Order for Phase I Proceedings (ECF No. 68). As described below, the Parties have diligently pursued fact discovery in this matter but have determined that it will be difficult to complete discovery on the

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current schedule, and therefore seek to extend the deadlines by approximately three months to allow for successful completion of fact discovery.

### ARGUMENT

Since the Court issued the current scheduling order (ECF No. 68) on September 27, 2023, the Parties have diligently pursued fact discovery. Beginning shortly after issuance of the current scheduling order, the Parties have served numerous requests for production, interrogatories, and requests for admission on each other, and have served timely written responses to those requests and met and conferred as needed.<sup>1</sup> The United States has reviewed over 40,000 documents and produced over 180,000 pages in response to Boeing's requests, and Boeing has reviewed a similarly large volume of documents and produced over 72,000 pages in response to the United States' requests. The Parties have undertaken extensive efforts to conform to the current schedule. But given the volume, age, means of storage, and location of the potentially responsive documents in this case – challenges that have come to the fore as the Parties served requests for production and conducted searches – the Parties have concluded that it will not be possible to complete fact discovery on the current schedule. The Parties therefore request an extension of case deadlines by approximately three months, with minor deviations to accommodate holidays and avoid scheduling conflicts. The Parties believe this revised schedule will allow them sufficient time to collect, review, and produce the voluminous remaining documents that may be responsive to pending requests for production, to schedule and conduct fact depositions, and to conduct expert discovery. The Parties may also be able to resolve discovery disputes in the additional time, avoiding the need for motions practice.

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<sup>1</sup> The Parties are currently discussing the sufficiency of some discovery responses and are continuing those discussions, with the goal of promptly resolving any disputes and avoiding unnecessary motions practice.

Accordingly, the Parties request that the Court adopt the following revised dates into the scheduling order for this case (all other elements of the existing scheduling order would remain unchanged):

Event	Current Due Date Under ECF No. 68	Proposed Revised Due Date
Parties must complete Phase I fact discovery. All discovery shall be served sufficiently in advance to be completed by this date.	April 15, 2024	July 19, 2024
The identity of any Phase I expert who may testify at trial regarding issues on which the Party has the burden of persuasion must be disclosed.	April 15, 2024	July 19, 2024
Initial Phase I expert written reports completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served.	May 16, 2024	August 30, 2024
The identity of any experts who may testify in rebuttal to any initial Phase I expert must be disclosed.	July 2, 2024	October 4, 2024
Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served.	July 12, 2024	October 31, 2024
All Phase I expert discovery must be completed.	September 6, 2024	January 31, 2025
All non-dispositive motions, other than motions in limine are due.	September 6, 2024	January 31, 2025
All dispositive motions are due.	September 27, 2024	February 28, 2025
Motions in limine are due.	October 31, 2024	March 14, 2025
Final Pretrial Conference.	February 3, 2025	May 5, 2025
Phase I trial ready.	March 17, 2025	<del>June 17, 2025</del> August 12, 2025*

\*The court sets the trial date for August 12, 2025, as the parties' proposed trial date conflicts with other matters on the court's trial calendar.

### **CONCLUSION**

The Parties respectfully request that the Court grant this Motion and adopt the proposed revised due dates proposed.

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Respectfully submitted,

**For the United States of America:**

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U.S. Department of Justice

Dated: February 26, 2024

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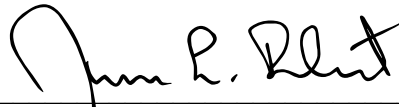
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**ORDER**

Based on the foregoing, IT IS SO ORDERED.

Dated: February 27, 2025



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The Honorable James L. Robart  
UNITED STATES DISTRICT JUDGE

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